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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,416	04/17/2006	Christian Herlt	HERL0101PUSA	9015
22045	7590	12/30/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			LAUX, DAVID J	
			ART UNIT	PAPER NUMBER
			4193	
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			12/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,416	<b>Applicant(s)</b> HERLT, CHRISTIAN	
	<b>Examiner</b> David Laux	<b>Art Unit</b> 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/06/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flue pipe claimed in claims 5 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted are not sufficient to adequately describe

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the claimed invention. Additional views are necessary and CAD drawings are typically not appropriate. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-5, 8 and 12-13 (since claims 5, and 12-13 depend from claim 4) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. ~~The claim recites~~ Claims 4 and 8 recite the limitation "...and a flue pipe with the opening approximately halfway up is arranged centrally." The specification does not describe the claimed flue pipe, nor does it explain to what the pipe is arranged centrally, nor does it provide sufficient detail with regards to the opening, nor is it labeled in the drawings. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4-5, 8 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See above explanation as to why claim 4 is indefinite.

7. Claim 4 & 8 recite the limitation "the opening" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

8. Claim 5 recites the limitation "...from the outer wall..." There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

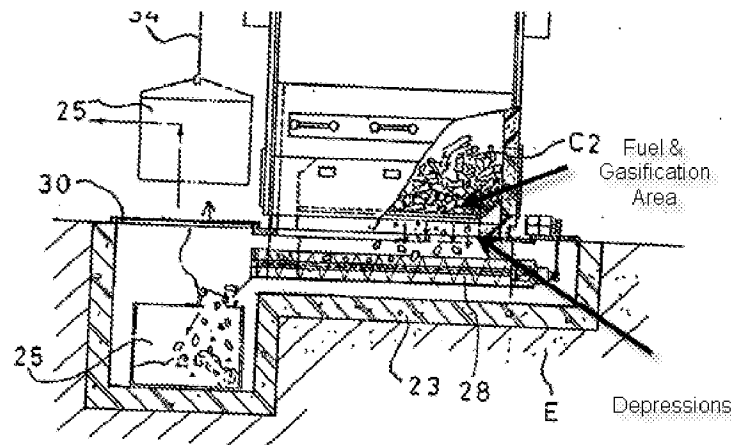
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1, 3-4, 6, 9 & 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 03/060039 (PGPUB US 2005/0051918 to Muramatsu et al is the national stage of this published international application and will be used as a translation thereof in the rejections that follow). '918 discloses a gasification boiler for solid fuels comprising: a fuel and gasification space (12) which can be closed by means of a filling door (29) and has air feeds (15), a grating (31) arranged at the bottom, a combustion space (13) situated below it, and ash separator (14), heat exchange surfaces (19) and fan (38) arranged behind it in terms of flow, characterized in that the

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fuel and gasification space has depressions (see Fig. 4 reproduced in part below) for collecting ash laterally next to the centrally arranged grating and the combustion space; a cylindrical combustion chamber (16) is connected to the outlet of the combustion space (13); and a cylindrical ash separator (26) which is designed as an additional constructional unit and is connected to a known heat exchanger (19) and the combustion chamber (16), wherein the cylindrical combustion chamber (16) is connected at the bottom tangentially to the outlet of the combustion space (13) (Paragraph 0032), wherein the cylindrical ash separator (26) is connected at the top tangentially to the outlet of the combustion chamber (16), wherein a flue pipe is arranged centrally (17), wherein the ash separator can be closed at the top by a cover (30), wherein the cylindrical combustion chamber (16), the cylindrical ash separator (26) and the heat exchanger (19) are connected in a framework to form a constructional unit, wherein the cylindrical combustion chamber (16) is connected at the bottom tangentially to the outlet of the combustion space (13) and in that the combustion chamber (16) can be closed at the top by a cover, wherein the cylindrical ash separator (26) is connected at the top tangentially to the outlet of the combustion chamber (16).



### ***Claim Rejections - 35 USC § 103***

11. Claims 5 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over '918 in view of 5,630,367 to Kobata et al.

12. '918 fails to disclose the use of a circular baffle plate. '367 teaches the use of a circular baffle plate (30) in a carbonization furnace in conjunction with a dust collector. It would have been obvious to one skilled in the art at the time of invention to combine the carbonization apparatus of '918 with the baffle plate disclosed by '367 because such a combination would have produced the added benefit of a more efficient ash removal process and increased circulation of the exhaust gas.

13. Claims 2, 7-8 & 10 rejected under 35 U.S.C. 103(a) as being unpatentable over '918 in view of 4,351,249 to Inovius.

14. '918 fails to disclose lower, lateral depressions of the fuel and gasification space of half-shell-shaped design and run parallel to the combustion space, with each assigned a small door for the removal of ash. '249 teaches lower lateral depressions (10) of the fuel and gasification space (8) of half-shell-shaped design and run parallel to

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the combustion space (9), with each assigned a small door for the removal of ash (Col. 3, lines 19-31). It would have been obvious to one skilled in the art at the time of invention to combine the carbonization furnace of '918 with the shell-shaped depressions of '249 because such a combination would have produced the added benefit of an additional means for ash removal and preventing ash from entering the combustion chamber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Laux whose telephone number is (571) 270-7619. The examiner can normally be reached on M-R 7:30-5, F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L./

/Derris H Banks/



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Examiner, Art Unit 4193

Supervisory Patent Examiner, Art  
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